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Philippine islands

GOVERNMENT OF THE PHILIPPINE ISLANDS

DEPARTMENT OF THE INTERIOR

BUREAU OF PUBLIC LANDS

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CONTAINING THE

COAL LAND LAW

AND

INSTRUCTIONS AND FORMS

PERTAINING TO THE SAME

ISSUED AUGUST 22, 1904

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BUREAU OF PUBLIC PRINTING
1904

Philippine islands. Terms, conditions, etc.
Mining law.

THE COAL LAND LAW.

Act No. 1128, Philippine Commission, an Act relating to the sale of public coal lands in the Philippine Islands, together with instructions and forms pertaining to same, are hereby published for the guidance of public officials in the administration of the law and for the information of the public.

[No. 1128]

AN ACT PRESCRIBING REGULATIONS GOVERNING THE PROCEDURE FOR ACQUIRING TITLE TO PUBLIC COAL LANDS IN THE PHILIPPINE ISLANDS, UNDER THE PROVISIONS OF SECTIONS FIFTY-THREE, FIFTY-FOUR, FIFTY-FIVE, FIFTY-SIX, AND FIFTY-SEVEN OF THE ACT OF CONGRESS APPROVED JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Any person above the age of twenty-one years, who is a citizen of the United States or of the Philippine Islands, or who has acquired the rights of a native of said Islands under and by virtue of the Treaty of Paris, or any association of persons severally qualified as above, may purchase any unreserved, unappropriated public land which is chiefly valuable for coal by proceeding as hereinafter directed: *Provided*, That no individual person shall be entitled to purchase more than sixty-four hectares and no association more than one hundred and twenty-eight hectares: *And*

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provided further, That this Act shall be held to authorize but one entry by the same person or association of persons, and no association of persons, any member of which shall have taken the benefit of this Act, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions hereof, and no member of any association which shall have taken the benefit of this Act shall enter or hold any other lands under the provisions hereof: *And provided further*, That such lands, if previously surveyed by the Government, shall be taken by legal subdivisions, but if unsurveyed shall be taken, wherever possible, in the form of squares which shall contain at least sixteen hectares each.

SEC. 2. A coal claim may be initiated either by filing a declaration of location with the mining recorder of the province in which the land is located, or by actually taking possession of the land and making improvements thereon: *Provided, however*, That where claims are initiated by occupation, a proper declaration of location must be filed with the mining recorder within sixty days after the date of actual possession and commencement of improvements.

SEC. 3. The declaration of location above mentioned must be executed under oath, and must describe the land occupied in as definite a manner as practicable, and must contain all necessary allegations to show that applicant has the qualifications required under section one of this Act, and that the land is of the character therein mentioned. In case a right to purchase is based on prior occupation and improvement, that fact must be set out, and the date of occupation and amount of improvement stated.

SEC. 4. It shall be the duty of the mining recorder to record declarations of locations of coal claims in the same manner that declarations of locations of mining claims are recorded; and for such services he shall require the payment of a fee of two pesos, Philippine currency, which shall be paid to the provincial or district treasurer as provided in section five of Act Numbered Six hundred and twenty-four as amended by Act Numbered Eight hundred and fifty-nine.

SEC. 5. All declarations of locations shall be recorded in the order in which they are filed for record, and the mining recorder shall note on each instrument filed for record the year, month, and day, and the hour and minute of the day on which the same was filed. After recording the declaration, the mining recorder shall

make a true copy of the same and without delay forward it to the Chief of the Bureau of Public Lands.

SEC. 6. All persons seeking to acquire public lands under the provisions of this Act must prove their respective rights and pay for the land filed upon within one year from the time prescribed for filing their claims, and they shall not take from the land and sell any coal prior to obtaining a patent.

SEC. 7. A patent for land claimed and located for valuable coal deposits may be obtained in the following manner: Any person or association authorized to locate a coal claim under this Act having claimed and located a piece of land for such purposes, who or which has complied with the terms of this Act, shall file with the Chief of the Bureau of Public Lands an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim made by or under the direction of the Chief of the Bureau of Public Lands, and at applicant's expense, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land described in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such plat and notice have been duly posted. Upon the filing of said application, plat, field notes, notices, and affidavits, it shall be the duty of the Chief of the Bureau of Public Lands to publish once a week a notice that such application has been made, for the period of nine consecutive weeks, in a newspaper to be by him designated; also to post a copy of the application in his office, and to require such further publication as he, with the approval of the Secretary of the Interior, may deem advisable. At the expiration of the period of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed in the Bureau of Public Lands during the said period of publication, it shall be assumed that the applicant is entitled to a patent, upon payment to the Chief of the Bureau of Public Lands of fifty pesos per hectare where the land shall be situated more than fifteen miles from any completed railroad, available harbor, or navigable stream, and one hundred pesos per hectare for such lands as shall be within fifteen

miles of such road, harbor, or stream, and that no adverse claim exists: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the land sought to be purchased is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 8. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the Chief of the Bureau of Public Lands, who, in case the conditions of section seven of this Act have been complied with, shall issue to the claimant a patent for such land as by the decision of the court he appears to be entitled to.

SEC. 9. All patents for lands disposed of under this Act shall be prepared in the Bureau of Public Lands and shall issue in the name of the United States and the Philippine Government under the signature of the Civil Governor; but such patents shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act, and the actual conveyance of the land shall be effected only as provided in said section.

SEC. 10. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions consistent with this Act as may be necessary and proper to carry its provisions into effect, and for the conduct of all proceedings arising hereunder.

SEC. 11. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 12. This Act shall take effect on its passage.

Enacted, April 28, 1904.

INSTRUCTIONS AND FORMS.

Under the authority conferred by section 10, *supra*, the following instructions and forms are issued:

1. *Land which may be purchased.*—Any unclaimed public land containing valuable deposits of coal is subject to sale under the provisions of this Act. Prospective purchasers will be required to show by affidavit that the land sought to be purchased contains such valuable deposits.

2. *Who may purchase.*—The following-described persons are entitled under the law to purchase public coal land:

(a) Citizens of the United States over the age of twenty-one years.

(b) Natives of the Philippine Islands or persons who have acquired the rights of natives by virtue of the treaty of Paris of December tenth, eighteen hundred and ninety-eight, and who are over the age of twenty-one years.

(c) Associations of persons the members of which are severally qualified as above.

3. *Amount that may be purchased.*—An individual may purchase any amount not exceeding sixty-four hectares. An association is limited to one hundred and twenty-eight hectares. A purchaser is entitled to make but *one* purchase of the maximum amount allowed.

4. *Form in which land must be taken.*—Where the land sought to be purchased has been previously surveyed under a regular governmental system of surveys dividing the territory into subdivisions, purchase must be made by such subdivisions. But where the land is unsurveyed, it must be taken when possible in squares which shall contain not less than sixteen hectares, but may contain any quantity in excess of sixteen hectares to the amount the purchaser is entitled to purchase.

5. *Manner of locating a coal claim.*—Any person qualified to purchase public coal land may initiate a claim to any particular

tract by taking possession of same and within sixty days thereafter filing a declaration of location thereof with the secretary of the province in which the land is located. This declaration of location must be executed under oath and must give as definite a description of the land as it is possible to state without making a survey. (*Form No. 1 should be used.*)

In locating a claim locators should exercise great care in marking the corners of same, and should describe the corners with reference to some prominent natural object or landmark—as a tree or rock on the claim—that is, give the approximate direction and distance of each corner from said landmark. Declarations of location of coal claims are recorded in the same manner as like notices for other mining claims, and the same fees are charged. (See Act No. 624.)

The mining recorder will as soon as possible after recording a declaration of location of a coal claim forward a copy of same to the Chief of the Bureau of Public Lands.

6. *Manner of acquiring title.*—An application to purchase coal land must be filed with the Chief of the Bureau of Public Lands within one year from the date of filing a declaration of location therefor with the mining recorder.

The first step in the procedure for acquiring title is the filing with the Chief of the Bureau of Public Lands of an application for survey of the land. (*Form No. 2 should be used in making this application.*) The survey is made under the directions of the Chief of the Bureau of Public Lands, at applicant's expense. The Government will take no action on an application for survey until the estimated cost of making same is deposited with the Chief of the Bureau of Public Lands.

After a claim has been properly surveyed and claimant has received a plat thereof and the field notes of survey, he should file his application for a patent (*using form No. 3*), together with a copy of the plat and field notes of survey, with the Chief of the Bureau of Public Lands. On the same date as that of his application for a patent claimant should post in a conspicuous place on the claim a notice of his application for a patent (*using form No. 4*), together with a copy of the plat of the claim, and should forward to the Chief of the Bureau of Public Lands an affidavit executed by two disinterested persons showing that said notice

and plat have been posted. (*Form No. 5 should be used in executing this affidavit.*)

At the expiration of nine weeks from the date of posting said notice and plat, the applicant will file another affidavit with the Chief of the Bureau of Public Lands showing that said notice and plat have been posted on the claim for a period of nine weeks. (*Form No. 6 should be used in executing this affidavit.*)

Where the claimant for a patent is not a resident of or within the province wherein the land sought to be purchased is located, the application for patent and the affidavits required to be made by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

The Chief of the Bureau of Public Lands will cause a notice to be published in the newspapers in which official notices are published, calling attention to each application for a patent, and will cause a like notice to be posted in the office of the secretary of the province in which the land is located. Said notices will be published for a period of nine weeks.

7. *Value of coal lands.*—The price per hectare is fifty pesos, Philippine currency, where the land is situated *more than fifteen miles* from any completed railroad, available harbor, or navigable stream, and one hundred pesos, Philippine currency, per hectare where the land is within fifteen miles of such railroad, harbor, or stream. Purchasers will be required to deposit the purchase price with the Chief of the Bureau of Public Lands at the time of filing the application to purchase.

8. *Adverse claims.*—Any person claiming an interest in land adverse to the interest sought to be acquired by an applicant for a patent thereto, must file a notice of such claim with the Chief of the Bureau of Public Lands prior to the expiration of the period of publication of the notice of application for patent above mentioned. And such person must, furthermore, within thirty days after filing said notice with the Chief of the Bureau of Public Lands, commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do will constitute a waiver of said adverse claim. (See sec. 8, Act No. 1128.)

9. *Prospecting.*—The land may be thoroughly prospected and

coal necessary for tests may be removed for that purpose, but none may be sold or used commercially prior to issuance of patent.

10. *Timber*.—A gratuitous license to cut and use timber for mining purposes may be had on application to the Bureau of Forestry. Said license will be limited to the claim on which the timber is cut. (See sec. 17, Act No. 1148.)

Manila, P. I., June 10, 1904.

P. S. BLACK,

Acting Chief Bureau of Public Lands.

Approved August 22, 1904:

DEAN C. WORCESTER, *Secretary of the Interior.*

FORMS FOR USE IN PROCEEDINGS TO ACQUIRE TITLE TO PUBLIC COAL LANDS.

FORM No. 1.

DECLARATION OF LOCATION OF COAL CLAIM.

The undersigned hereby declares and gives notice that under the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of, municipality of, Province of, the boundaries of which are more particularly described as follows, to wit: (Here give as definite a description as possible of the boundaries of the claim, having reference to monuments erected on the ground.) and further declares that is over the age of twenty-one years and is a citizen of the United States (or of the Philippine Islands) and has never held nor purchased any land under the provisions of said Act, either as an individual or as a member of an association; that said land is unoccupied by any other person, and contains valuable deposits of coal, and that took possession of the same on the day of, A. D. 19...., and has made improvements consisting of

(Signed)

Locator.

(Post-office)

Subscribed and sworn to before me this day of, 19....

(Signature of official)

(Official title.)

NOTICE.—Where a claim is located by an association, it will be necessary for the locator to show that the several members of the association are each qualified to make a location.

FORM No. 2.

APPLICATION FOR SURVEY OF COAL CLAIM.

....., 19....

To the CHIEF OF THE BUREAU OF PUBLIC LANDS,

Manila, P. I.

SIR: In compliance with section 7, Act No. 1128, Philippine Commission, I hereby make application for an official survey of a coal claim located by in the barrio of, municipality of, Province of, and request that you will send me an estimate of the amount to be deposited in payment therefor, and after such deposit shall have been made, you will cause the said claim to be surveyed.

Respectfully,

FORM No. 3.

APPLICATION FOR PATENT FOR COAL LAND.

To the CHIEF OF THE BUREAU OF PUBLIC LANDS,

Manila, P. I.

SIR: I,, hereby apply, under the provisions of Act No. 1128, Philippine Commission, an Act relating to the sale of public coal lands in the Philippine Islands, to purchase hectares of coal land located in the barrio of; municipality of, Province of, and more particularly described as follows, to wit:

(Here give full description.)

....., which description is set forth in the official field notes of survey of said tract hereto attached, dated, and the official plat of survey, a copy of which is filed herewith; there is hereby tendered pesos in payment for said land; and I solemnly swear that I am over the age of twenty-one years, a citizen of the

United States (or of the Philippine Islands), and have never held nor purchased lands under said Act either as an individual or as a member of an association; and I do further swear that I am well acquainted with the character of said-described land, having frequently passed over same; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that no portion of said land is in the possession or occupation of any other person, and that it contains valuable deposits of coal and is chiefly valuable therefor; that I located said land as a coal claim on the day of,, and filed my notice of location with the mining recorder of the Province of on the day of,

(Signed)

(Address)

(Date)

Subscribed and sworn to before me this day of, A. D. 19....

(Signature of official)

(Official title.)

N. B.—Where the applicant for a patent is an association, evidence must be submitted showing that the members of the same are severally qualified to purchase.

FORM NO. 4.

NOTICE OF APPLICATION FOR PATENT FOR COAL LAND.

Notice is hereby given that in pursuance of the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of, municipality of, Province of, and has made application for a patent for said claim, which is more fully described as to metes and bounds by the official plat herewith posted and by the field notes of survey thereof, now filed in the Bureau of Public Lands, which field notes of survey describe the boundaries and extent of said claim on the surface as follows, to wit: (Here give full description.)

Any and all persons claiming adversely the said described land, or any portion thereof, are hereby notified that unless their adverse claims are duly filed according to law within nine weeks from the

date hereof with the Chief of the Bureau of Public Lands at Manila, P. I., said claims will not be considered by the Government.

(Name of claimant)

(Post-office)

Dated on the ground this day of, A. D., 19....

FORM No. 5.

PROOF OF POSTING NOTICE AND PLAT ON COAL CLAIM.

PROVINCE OF, MUNICIPALITY OF

..... and, each for himself, and not one for the other, being first duly sworn according to law, deposes and says, that he is over the age of twenty-one years, and was present on the day of, A. D., 19...., when a plat representing the coal claim, and certified to as correct by the Chief of the Bureau of Public Lands, and designated by him as Coal Claim No....., together with a notice of the intention of to apply for a patent for said claim and premises so platted, was posted in a conspicuous place upon said claim, to wit: Upon a, where the same could be easily seen and examined; the notice so conspicuously posted upon said claim being in words and figures as follows, to wit:

NOTICE OF APPLICATION FOR PATENT FOR COAL LAND.

Notice is hereby given that in pursuance of the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of, municipality of, Province of, and has made application for a patent for said claim, which is more fully described as to metes and bounds by the official plat herewith posted and by the field notes of survey thereof now filed in the Bureau of Public Lands, which field notes of survey describe the boundaries and extent of said claim on the surface as follows, to wit: (Here give full description.)

Any and all persons claiming adversely the said described land or any portion thereof so described, are hereby notified that unless

their adverse claims are duly filed according to law within nine weeks from the date hereof with the Chief of the Bureau of Public Lands at Manila, P. I., said claim will not be considered by the Government.

(Name of claimant)

(Post-office)

Dated on the ground this day of, A. D., 19....

Witness:

.....
(Name.)

.....
(Address.)

.....
(Name.)

.....
(Address.)

Subscribed and sworn to before me, this day of, A. D., 19....

(Signature of official)

(Official title.)

FORM No. 6.

PROOF THAT PLAT AND NOTICE REMAINED POSTED ON CLAIM DURING PERIOD OF PUBLICATION.

....., a resident of the town of, Province of, deposes and says that he is over the age of twenty-one years, and that he is acquainted with the coal claim of, particularly described as follows, to wit:; that the official plat of such claim, designated as such by the Chief of the Bureau of Public Lands, together with a notice of intention to apply for a patent therefor, was posted thereon on the day of, A. D., 19...., as fully set forth and described in the affidavit of and, dated the day of, A. D., 19...., which affidavit was duly filed in the Bureau of Public Lands at Manila, P. I.; and that the plat and notice so mentioned and described remained continuously and

conspicuously posted upon said coal claim from the day of
, A. D., 19...., to the day of, A. D. 19...., including
 the nine weeks' period during which notice of said application for
 patent was published in the newspaper.

.....
 Subscribed and sworn to before me this day of, A. D.,
 19....

(Signature of official)

(Official title.)





